

CONFIDENTIAL

ER #3-2165

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29 August 1952

Hon. Charles B. Murray
Assistant Attorney General
Department of Justice
Washington, D. C.

Re: U.S. v. [REDACTED]

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Dear Mr. Murray:

I beg to refer to your letter dated August 27, 1952, requesting confirmation of the position of this Agency with respect to the trial of the above matter.

The statement in your said letter reporting the conference of August 26th conforms generally with my recollection and Mr. Becker's, but would have to be amplified in certain respects in order to serve as an expression of CIA's position. Rather than attempting to do so, I would prefer to restate our position in this matter as follows:

1. The jurisdiction of the Central Intelligence Agency to collect and evaluate foreign intelligence information of the type proffered by [REDACTED] is spelled out only in a highly-classified directive of the National Security Council, which this Agency does not feel free to divulge unless so directed by the Council.

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2. The inevitable publicity resulting from the trial in open court of issues involving the [REDACTED] Central Intelligence Agency, and the appearance of Agency representatives as witnesses at such a trial (whether under Count I or Count II of the Indictment in this particular case) would, in the considered view of this Agency, interfere with and make more difficult the accomplishment of Central Intelligence Agency's intelligence mission. In our opinion this result would follow, even though certain facts respecting such activities have already been publicized.

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Highest authority may decide that overriding considerations of the national interest may require the sacrifice in a particular case of the security interests which, under Section 102(d)(3) of the National Security Act of 1947, it is the Director's responsibility to protect. In the absence of such decision we are unwilling to expose our personnel or methods. Accordingly, if the Department of Justice should call our personnel as witnesses during the course of a trial of the above matter, this Agency would act in accordance with the responsibility imposed upon the Director by the above mentioned section of the National Security Act of 1947 which states, "the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure."

Sincerely yours,

Allen W. Dulles
Deputy Director

AWD:leb

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